

## 1 HOUSE BILL NO. 432

2 INTRODUCED BY H. RASER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A PERSON COMMITS THE OFFENSE OF  
5 CARELESS DRIVING IF THE PERSON IS USING A CELL PHONE WHILE DRIVING AND AN ACCIDENT  
6 OCCURS THAT RESULTS IN INJURY OR DEATH TO ANY PERSON OR DAMAGE TO THE PROPERTY OF  
7 ANY PERSON; PROVIDING ENHANCED FINES; AND AMENDING SECTION 61-8-302, MCA."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 61-8-302, MCA, is amended to read:

12 **"61-8-302. Careless driving.** (1) (a) A person operating or driving a vehicle on a public highway shall  
13 drive it in a careful and prudent manner that does not unduly or unreasonably endanger the life, limb, property,  
14 or other rights of a person entitled to the use of the highway.

15 (b) Use of a cell phone, including a hands-free cell phone, while driving is an offense under subsection  
16 (1)(a) if an accident occurs that results in injury or death to any person or damage to the property of any person.

17 (2) A person who is convicted of the offense of careless driving is subject to the penalties provided in  
18 61-8-711 or 61-8-716, except that a fine imposed under 61-8-711 for an offense described in subsection (1)(b)  
19 shall for a first conviction be an amount not less than \$25 or more than \$200, for a second conviction within 1  
20 year after the first conviction be an amount not less than \$50 or more than \$500, and for a third or subsequent  
21 conviction within 1 year after the first conviction be an amount not less than \$100 or more than \$1,000."

22 - END -